

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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STEPHEN TAYLOR,

Plaintiff,

-against-

PATRICK DARCY; FRANCIS J. DARCY; JOHN
DOE, IN HIS CAPACITY AS THE EXECUTOR
OF THE STATE OF FRANCIS E. DARCY;
ANNE DARCY; THE REALTY ASSET GROUP,
LTD; OCEAN WATCH REALTY LLC; 114
CHURCH STREET LLC; 49 MERRICK ROAD
LLC; "RAF-ONE, INC."; 49 MERRICK ROAD,
INC.; and DFC HOLDINGS, LLC,

Defendants.
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AZRACK, United States District Judge:

Plaintiff Stephen Taylor ("Plaintiff") commenced this action on November 21, 2016 against defendants Patrick Darcy, Francis J. Darcy, Anne Darcy, the Realty Asset Group, LTD. ("RAG"), Ocean Watch Realty LLC ("Ocean Watch"), 114 Church Street LLC ("Church Street"), 49 Merrick Road LLC, RAF-One, Inc. ("RAF"), 49 Merrick Road, Inc. and DFC Holdings, LLC (collectively "Defendants"). On September 15, 2017, Defendants moved to dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). On May 9, 2018, I referred Defendants' motion to dismiss to Magistrate Judge Steven I. Locke for a Report and Recommendation ("R&R").

On August 13, 2018, Judge Locke issued an R&R recommending that Defendants' motion to dismiss be granted and that the instant action be dismissed without prejudice and with leave to replead. On August 24, 2018, Plaintiff filed objections to Judge Locke's R&R. Having conducted a review of the full record and the applicable law, I adopt Judge Locke's R&R in its entirety.

For Online Publication Only

ORDER

16-CV-6465 (JMA) (SIL)

**FILED
CLERK**

9/6/2018 1:48 pm

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

In reviewing a magistrate judge's report and recommendation, the Court must "make a de novo determination of those portions of the report or . . . recommendations to which objection[s][are] made." 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05–CV–5579, 2006 WL 3851152, at *2 (S.D.N.Y. Dec. 29, 2006). The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Those portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

I have undertaken a de novo review of the record, the R&R, and the instant objections, and I agree with Judge Locke's R&R and adopt it as the opinion of this Court. Accordingly, the Court grants Defendants' motion to dismiss without prejudice and with leave to replead. Plaintiff's amended complaint shall be filed within thirty (30) days from the date of this Order.

SO ORDERED.

Dated: September 6, 2018
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE